

**Amendment No. 2 to SB2113**

**Harper  
Signature of Sponsor**

**AMEND Senate Bill No. 2113**

**House Bill No. 2139\***

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

by deleting Section 2 of the bill as introduced in its entirety and by adding the following new sections immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION \_\_\_\_\_. Tennessee Code Annotated, Section 35-11-102, is amended by adding the following as a new subsections (d) and (e):

(d) On the establishment of a trust for purposes regulated by this chapter the trustee shall file written notice of the establishment of the trust on forms prescribed by the secretary of state with the division of charitable solicitation in the office of the secretary of state. No person or entity may solicit funds on behalf of an individual with a catastrophic illness that is subject to the provisions of this chapter prior to the filing of such notice with the division. For any trust regulated under the provisions of this chapter on the effective date of this act, such notice shall be filed on or before August 1, 2007.

(e) The trustee shall file an accounting of the trust with the division of charitable solicitations on the anniversary each year of the establishment of the trust.

SECTION \_\_\_\_\_. Tennessee Code Annotated, Title 35, Chapter 11, is amended by adding the following as a new section:

35-11-113. Subject to the provisions of title 45, chapter 10, and of the federal Right to Financial Privacy Act, 12 U. S. C. Section 3401, the secretary of state or the designee of the secretary may issue subpoenas to obtain records relevant to a solicitation or a trust regulated under the provisions of this chapter.

SECTION \_\_\_\_\_. Tennessee Code Annotated, title 35, chapter 11, is amended by adding the following as a section:

35-11-114. In addition to any other penalty or remedy available under law, the secretary of state or the designee of the secretary may assess a civil penalty, pursuant to § 48-101-514, against any person or entity that violates a provision of this chapter. The person or entity against whom the penalty is assessed shall have appeal rights pursuant to § 48-101-514.